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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1708 of 2007
and M.P.Nos.1 and 2 of 2007

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Vellore Region
Vellore-632 009. ... Appellant / Respondent

Vs

K.Balaraman ... Respondent / Petitioner

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 10.01.2007 made in MCOP No.175 of 2004 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Vellore.

For Appellant : Mr.S.V.Vasanthakumar

JUDGMENT

This appeal is preferred by the appellant Transport Corporation against the award of a sum of Rs.1,00,000/- towards compensation to the respondent, due to the injuries suffered by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 25.05.2004, the respondent / claimant travelled as a passenger in the bus bearing Reg.No.TN-23-N-0774, belonging to the appellant Transport Corporation, from Pallikonda to Karugambathur in the Vellore-Bangalore Road. After reaching the destination, at about 20.30 hours, when the respondent / claimant was getting down from the bus at Karugambathur Bus Stand, the driver of the bus moved it in a rash and negligent manner and due to the said impact, the respondent had fallen from the said bus and sustained injuries. The respondent / claimant filed a claim petition before the

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Tribunal. On consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.1,00,000/- with interest at the rate of 7.5% per annum from the date of petition.

3.Challenging the same, the appellant Transport Corporation has filed the present Civil Miscellaneous Appeal.

4.The learned counsel for the appellant has submitted that the Tribunal has erred in holding that only the appellant's bus driver was rash and negligent and was responsible for the accident. He also submitted that the compensation awarded by the Tribunal is excessive and exorbitant.

5.Heard the learned counsel for the appellant and perused the materials available on record carefully and meticulously.

6.It is seen that the respondent has not been served. Even though a conditional order of stay was granted way back in the year 2007, the appellant Transport Corporation has not taken proper steps to serve papers to the respondent, even at this length of time.

7.Since there were no witnesses or no documents marked on the side of the Insurance Company to disprove the negligence on the part of the driver of the appellant Transport Corporation's bus, considering the evidence available on record, the Tribunal came to the conclusion that only the driver of the bus caused the accident, which finding this Court is not inclined to interfere.

8.In respect of the quantum of compensation, relying upon Ex.P4-Medical Bills, the Tribunal awarded a sum of Rs.20,000/- towards medical expenses. Since Ex.P6-Disability Certificate states that the claimant sustained 45% disability, the Tribunal has awarded Rs.35,000/- towards that head. The Tribunal has also awarded a sum of Rs.25,000/- towards grievous injuries and pain and Rs.20,000/- towards extra nourishment, transport expenses and loss of income. The Tribunal has considered the materials and evidence properly and has awarded compensation towards the above heads and hence the same need not be interfered with by this Court.

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9.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed. The appellant Transport Corporation is directed to deposit the award amount with interest, as ordered by the Tribunal, after deducting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondent / claimant is permitted to withdraw the same, on making proper application before the Tribunal.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Motor Accidents Claims Tribunal
   Chief Judicial Magistrate Court, Vellore.

2. The Section Officer,
   VR Section, Madras High Court.

+1 cc to Mr.S.V.Vasanthakumar, Advocate, S.R.No.50650

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SR(CO)
SSM(25/10/2019)

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